REMARKS

Claims 1-49 remain pending in the instant application. All claims presently stand rejected. Claims 1, 4, 13, 27, 35, 43, and 47 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-12 and 43-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Billock et al. (US 5,619,249).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended independent claim 1 recites, in pertinent part,

> receiving feedback from said one or more clients regarding the content descriptors, **the feedback being an indication from said one or more clients of the relative desirability of the available content described by the content descriptors;**
> refining a list of available content in response to the feedback; and

Applicants respectfully submit that Billock fails to disclose receiving feedback from a client device indicating the relative desirability of available content for broadcast. Furthermore, Billock fails to disclose refining a list of the available content for broadcast in response to feedback indicating relative desirability of the available content.

To be sure, Billock discloses a video-on-demand telecast service. The video-on-demand telecast service disclosed in Billock enables telecast of a selected program substantially at the time the viewer makes the program selection, enables a viewer to review a list of available video programs to facilitate the viewer's selections of the desired program, and enables a viewer to preview audio/video segments of a program before viewing the entire program. However, nowhere does Billock disclose receiving feedback from a client device which indicates the relative desirability of available content. Furthermore, Billock certainly fails to disclose refining a list of available content based on feedback from a client device.

The Examiner cites step 160 in FIG. 9D of Billock as disclosing receiving feedback from a client regarding the content descriptors. However, Applicants respectfully disagree with the Examiner's characterization of Billock in this regard. Step 160 in FIG. 9D does not disclose transmitting or receiving feedback information regarding content descriptors, but rather discloses a "request" for additional information. Step 160 simply discloses transmitting a program identifier from a client to a server which results in the server transmitting data files containing a full-motion preview back to the client. *Bullock*, col. 15, lines 15-27.

However, claim 1 has been amended to more particularly point out and distinctly claim the invention. Claim 1 now recites that the feedback is an indication from the one or more clients of the relative desirability of the available content described by the content descriptors. Certainly transmitting a "PROGRAM_ID" requesting that a full-motion preview be transmitted back is not equivalent to feedback indicating the **relative desirablility** of available content.

The Examiner further cites step 162 in FIG. 9D of Billock as disclosing refining a list of available content in response to the feedback. However, Billock fails to disclose refining available content based on the PROGRAM_ID transmitted in step 160. In fact, Billock fails to disclose refining a list of available content at all and certainly does not disclose refining a list of available content based on feedback indicating relative desirability of the content from one or more clients.

Consequently, Billock fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 4, 43, and 47 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 4, 43, and 47 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 13, 20-22, 25-27, 34, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Billock.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be

considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03.

Amended independent claims 13, 27, and 35 are nonobvious over Billock for the reasons discussed above in connection with independent claim 1. Billock fails to teach or suggest receiving feedback from a client device indicating the relative desirability of available content for broadcast. Furthermore, Billock fails to teach or suggest refining a list of the available content in response to feedback indicating relative desirability of the available content.

Consequently, Billock fails to teach or suggest all elements of claims 13, 27, and 35, as required under M.P.E.P. § 2143.03. Accordingly, Applicants request that the instant §103(a) rejections of claims 13, 27, and 35 be withdrawn.

The dependent claims are patentable over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 and § 103 rejections for the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: Sept. 26, 2005

Cory G. Claassen
Reg. No. 50,296
Phone: (206) 292-8600